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NOTE: CHANGES MADE BY
THE COURT

19 Attorneys for Plaintiff
20 United States of America

21 UNITED STATES DISTRICT COURT

22 FOR THE CENTRAL DISTRICT OF CALIFORNIA

23 SOUTHERN DIVISION

24 UNITED STATES OF AMERICA,) NO. SACV 08-450-AG (AGR)
25 Plaintiff,) [PROPOSED]
26 v.) CONSENT JUDGMENT
27 ONE 2006 MERCEDES E55, ONE)
28 BREITLING K13355 WATCH,) [NOTICE OF LODGING LODGED
29 \$237,150.00 IN U.S. CURRENCY,) CONCURRENTLY HEREWITH]
30 \$12,636.49 IN BANK ACCOUNT)
31 FUNDS, AND \$35,786.45 IN)
32 ACCOUNT FUNDS,)
33 Defendants.)
34 _____)
35 JAMES LAMMERDING,)
36 Claimant.)
37 _____)

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1 On April 25, 2008, plaintiff United States of America
2 ("plaintiff" or the "government") filed a Complaint for
3 Forfeiture against the defendant properties as follows: One 2006
4 Mercedes E55, Vin number WDBUF76J66A893866 ("defendant vehicle"),
5 One Breitling K13355 watch ("defendant watch"), serial number
6 416165#2, \$237,150.00 in U.S. Currency ("defendant currency"),
7 \$12,636.49 in Bank Account Funds ("defendant bank funds") and
8 \$35,786.45 in Accounts Funds ("defendant bank funds"),
9 (collectively the "defendant assets"). The government alleged
10 that the defendant assets were subject to forfeiture pursuant to
11 21 U.S.C. §§ 881 (a)(4) and (a)(6).

12 Claimant James Lammerding ("Lammerding") filed a Statement
13 of Interest on May 21, 2008. No other claims, statements of
14 interest, or answers have been filed, and the time for filing
15 claims, statements, and answers has expired.

16 The Court having been duly advised of and having considered
17 the matter, and based upon the consent of plaintiff and
18 claimants,

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

20 1. This Court has jurisdiction over this action pursuant
21 to 28 U.S.C. §§ 1345 and 1355.

22 2. The **parties stipulate that the** Complaint for Forfeiture
23 states a claim for relief

24 pursuant to 21 U.S.C. §§ 881 (a)(4) and (a)(6).

25 3. Notice of this action has been given as required by
26 law.

27 Claimant filed the only statement of interest or claim. Claimant
28 is relieved of his duty to file an answer in this action. The

1 Court deems that all other potential claimants admit the
2 allegations of the Complaint for Forfeiture to be true.

3 4. The parties have previously agreed to a partial consent
4 judgment of \$190,233.71 that was applied to claimant's
5 outstanding federal tax liability for 2005, 2006 and 2007. The
6 United States Marshals Service has remitted payment directly to
7 the Internal Revenue Service and claimant's federal tax liability
8 has been satisfied.

9 5. The 2006 Mercedes E55, Vin number WDBUF76J66A893866 and
10 Breitling K13355 watch shall be returned to Lammerding.
11 Lammerding, through his attorney, will make arrangements with the
12 United States Marshal Service to have the 2006 Mercedes E55 and
13 Breitling K13355 watch returned.

14 6. The remaining defendant assets (with the exception of
15 the sum of \$190,233.71 previously released pursuant to the
16 partial consent judgment dated March 29, 2010) plus interest as
17 provided by law from the date of seizure, are hereby forfeited to
18 the United States of America, and no other right, title, or
19 interest shall exist therein.

20 7. Claimants hereby release the United States of America,
21 its agencies, officers, and employees, including employees of the
22 Federal Bureau of Investigations, and local law enforcement
23 agencies, their agents, officers, and employees, from any and all
24 claims, actions, or liabilities arising out of or related to this
25 action, including, without limitation, any claim for attorneys'
26 fees or costs on behalf of claimants, whether pursuant to 28
27 U.S.C. § 2465 or otherwise.

28 8. The Court finds that there was reasonable cause for the

1 institution of these proceedings against the defendant assets.
2 This judgment shall be construed as a certificate of reasonable
3 cause pursuant to 28 U.S.C. § 2465.

4 9. The Court further finds that the claimant did not
5 substantially prevail in this action, and the parties shall bear
6 their own attorneys' fees and other costs of litigation.

7 DATED: July 9, 2010



8
9 THE HONORABLE ANDREW J. GUILFORD
10 UNITED STATES DISTRICT JUDGE
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3 CONSENT

4 The government and claimant consent to judgment and waive
5 any right to appeal.

6 DATED: June ___, 2010

7 ANDRÉ BIROTTÉ JR.
8 United States Attorney
9 CHRISTINE C. EWELL
10 Assistant United States Attorney
11 Chief, Criminal Division
12 STEVEN R. WELK
13 Assistant United States Attorney
14 Chief, Asset Forfeiture Section

11 FRANK D. KORTUM
12 Assistant United States Attorney

13 Attorneys for Plaintiff
14 United States of America

15 DATED: June ___, 2010

16 LAW OFFICES OF SHAWN R. PEREZ

17 SHAWN R. PEREZ, ESQ.

18
19 Attorney for James Lammerding,
20 Claimant